GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3035 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.R.K. Mendadkar for Petitioner.

Mr. A.A. Kumbhakoni with Mr. A.M. Kulkarni for Respondent No. 3.

Mr. C.R. Sonawane, A.G.P. for Respondent Nos. 1, 2 and 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 02, 2005

P.C.

. The Petitioner by the present petition has impugned the order dated 8.5.2004 of the Divisional Caste Scrutiny Committee Pune. By that order the Petitioners caste claim as belonging to Kamtha Vani a caste as O.B.C. has been rejected.

. At the haring of this petition, on behalf of the Petitioners, two contentions have been urged. It is firstly contended

that all three members of the committee were not present. Specific grievance is that Member Shri. Nimbalkar was not present. Shri. Anil Kamble, Member Secretary has filed affidavit. In Paragraph 8 it is set out that Nimbalkar was present and decision passed by the caste scrutiny committee was signed by the Chairman, Member Secretary and Member. It is further set out that the decision was taken by the committee together and not by any single member. This affidavit was filed on 25.6.2004. The matter was thereafter adjourned on various dates. No rejoinder has been filed denying the averments on oath by the Member Secretary, Anil Kamble. The first contention therefore, urged on behalf of the Petitioner that Mr. Nimbalkar was not present will have to be rejected.

. It is then contended that the committee did not consider the birth certificate of sister of the petitioners' father. We have perused the documents. We find that the committee has so considered and rejected he said certificate. The committee has also on account of some dispute raised before this court, additional affidavits were

filed of the persons who had issued caste certificate namely of A.P. Deshmukh, Tahsildar, Walva District and Mr. B.D. Kamble, A.L.T. Awal Karkoon. It is clearly set out that the documents sought to be relied upon by the petitioner was not issued by their office. The certificate issued showed caste as Lingayat and what has been produced is a interpolation or fabrication. Apart from that the petitioner's birth certificate shows him to be Lingayat. In the birth certificate of his father also he is shown as Lingayat and also that of two uncles. It is therefore, clear that there was sufficient material before the committee to hold or arrive at the conclusion which has been arrived at. There is no perversity in the same nor it is the case of non consideration of material produced before it. In the light of that no interference is called for. Petition rejected. All ad interim orders stand vacated. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)